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Docket No.: 600.1119  
 Date: June 16, 2005

In re application of: **Martin John CALLAHAN, et al.**  
 Application No.: 09/768,736  
 Filed: January 24, 2001  
 For: **SHAFTLESS MOTOR DRIVE FOR A PRINTING PRESS WITH AN ANILOX INKER**

Sir:

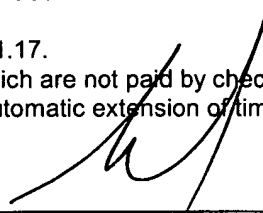
Transmitted herewith is a **Reply Brief under 37 C.F.R. § 41.41 (3 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	PRESENT		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY							
	AMENDMENT	PAID FOR	EXTRA						
TOTAL CLAIMS	* Minus 20	=	0		x \$ 25	\$		x \$ 50	\$
INDEP. CLAIMS	* Minus 3	=	0		x \$100	\$		x \$200	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180	\$		+ \$360	\$
TOTAL: \$					OR		TOTAL: \$		

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136  
☐ Other:  
☐ Check(s) in the amount of **\$0.00** is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☐ Other:  
☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.  
☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on June 16, 2005.  
 DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

Oliver Platz



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: Martin John CALLAHAN, et al. Confirmation No.: 1235  
Serial No.: 09/768,736  
Filed: January 24, 2001  
For: SHAFTLESS MOTOR DRIVE FOR A PRINTING PRESS  
WITH AN ANILOX INKER  
Art Unit: 2854  
Examiner: Anthony H. NGUYEN  
Customer No.: 23280  
Attorney Docket: 600.1119

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 16, 2005

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

Sir:

Appellant submits this reply brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in reply to the Examiner's Answer mailed April 21, 2005.

## RESPONSE TO EXAMINER'S ARGUMENTS

Claims 1 to 6, 8, 14 and 16 to 20 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Richards in view of John et al. as set forth in the office action mailed July 14, 2003.

### Brief further comments on claims 1 and 14

Richards as admitted does not disclose a first or second anilox inker. In fact, one of skill in the art would have understood Richards to have disclosed a conventional inker with several rollers, as three rollers 8a, 8b per plate cylinder are shown in Fig. 4. An anilox inker typically has a single ink form roll.

John teaches driving the blanket cylinder 1, plate cylinder 5 and an ink application roller 12 together via gearing. No directly driven cylinder is disclosed.

There is no teaching, reason or motivation to provide solely an anilox inker to the printing press of Richards, as John teaches gearing all the blanket, plate and inking cylinder together for proper anilox inking (see col. 3, lines 12 to 23) of John.

Anilox inkers of course have been known as admitted by the present specification, but not with the specific drive train disclosed in the present application. John actually teaches away from using the claimed drive train.

With regard to motivation, just because an application is "feasible" would not motivate one of skill in the art to have combined references. John thus does not provide any motivation to combine its anilox inker with the Richards press.

### Brief further comments on claims 3 and 18

With further regard to claims 3 and 18, John teaches not to have the same diameter between the ink application cylinder and the plate cylinder. It specifically designs the diameter of the ink application cylinder to be different. See for example Column 2, lines 47 to 50 of John.

In view of the original appeal brief and the above, withdrawal of the rejections

to claims 1 to 6, 8, 14 and 16 to 20 under 35 U.S.C. §103(a) as being unpatentable over Richards in view of John et al. is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

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